



# Aquaculture and Fisheries (Scotland) Act 2007

2007 asp 12

## PART 1

### FISH FARMS AND SHELLFISH FARMS

#### *Enforcement*

#### **6 Enforcement notices**

[<sup>F1</sup>(1) Where the Scottish Ministers are satisfied that a person who carries on a business of fish farming—

- (a) does not have satisfactory measures in place for any of the purposes mentioned in subsection (2), or
- (b) in relation to a fish farm to which section 4A(1) applies, has failed or is failing to comply with that section,

the Scottish Ministers may serve a notice (“an enforcement notice”) on the person.]

(2) The purposes are—

- (a) the prevention, control and reduction of parasites,
- (b) the containment of fish,
- (c) the prevention of escape of fish,
- (d) the recovery of escaped fish.

(3) Where the Scottish Ministers are satisfied that a person who carries on a business of shellfish farming does not have satisfactory measures in place for the purpose of the prevention, control and reduction of parasites in respect of the shellfish farm, the Scottish Ministers may serve a notice (“an enforcement notice”) on the person.

(4) An enforcement notice served under subsection (1) may require—

- (a) the execution of such works,
- (b) the taking of such other steps,

as the Scottish Ministers consider necessary for any of the purposes mentioned in subsection (2).

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*Changes to legislation: There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2007, Cross Heading: Enforcement. (See end of Document for details)*

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- (5) An enforcement notice served under subsection (3) may require—
- (a) the execution of such works,
  - (b) the taking of such other steps,
- as the Scottish Ministers consider necessary for the purpose mentioned in that subsection.
- (6) An enforcement notice must specify the date by which the requirements of the notice, or any particular requirements of it, are to be fulfilled.
- (7) A person on whom an enforcement notice has been served may, by summary application made before the expiry of the period of 7 days beginning with the day on which the notice is served, appeal to the sheriff against the notice; and the notice is of no effect until the appeal is withdrawn or finally determined.
- (8) In an appeal under subsection (7), the sheriff may make such order as the sheriff thinks fit; and the decision of the sheriff in the appeal is final.
- (9) A person commits an offence if, without reasonable excuse, the person contravenes an enforcement notice.
- (10) A person who commits an offence under subsection (9) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (11) Where the Scottish Ministers are satisfied that an enforcement notice is contravened in respect of the prevention, control and reduction of parasites, they may (whether or not proceedings have been taken for an offence under subsection (9)) authorise an inspector to take any action they consider necessary in fulfilment of the requirements of the notice in that regard.
- (12) Any expenses reasonably incurred by an inspector in taking action authorised under subsection (11) may be recovered by the Scottish Ministers from the person on whom the enforcement notice was served.
- (13) The Scottish Ministers may publicise the serving of an enforcement notice; and may do so to such extent, in such manner and in such form as they think fit.

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**Textual Amendments**

**F1** S. 6(1) substituted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013 \(asp 7\)](#), **ss. 1(3)**, **66(2)** (with [s. 65](#)); [S.S.I. 2013/249](#), **art. 2**

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**Commencement Information**

**I1** S. 6 in force at 1.8.2007 by [S.S.I. 2007/333](#), **art. 2(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the Aquaculture and Fisheries (Scotland) Act 2007, Cross Heading: Enforcement.